

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOHN T. CORPAC, an individual; on behalf of
himself and all others similarly situated,

Plaintiffs,

vs.

RUBIN & ROTHMAN, LLC, a New York
Limited Liability Company; and JOHN AND
JANE DOES NUMBERS 1 THROUGH 25,

Defendants.

X
CASE NO.: 2:10-cv-04165-ADS-ETB

**APPLICATION FOR CERTIFICATE OF
DEFAULT AS TO DEFENDANT
RUBIN & ROTHMAN, LLC**

In accordance with Fed. R. Civ. P. 55(a) and Local Civil Rule 55.1, the undersigned attorney for Plaintiff, JOHN T. CORPAC, and all others similarly situated, requests that you enter default against Defendant, RUBIN & ROTHMAN, LLC, a New York Limited Liability Company, for its failure to plead or otherwise defend as provided by Federal Rules of Civil Procedure.

Accordingly, Plaintiff respectfully request that the Court enter an order finding as a matter of law that all well-pleaded allegations of Plaintiff's First Amended Class Action Complaint [Doc. 5] are deemed admitted and, prior to the entry of default judgment, permit Plaintiff leave to conduct discovery as to the Defendant's financial net worth and assets, and then hold a hearing on Plaintiff's motion for certification of the class alleged in the Complaint.

Once Plaintiff has been heard on class certification, Plaintiff will apply for entry of judgment pursuant to Fed. R. Civ. P. 55(b)(2).

DATED: Fresh Meadows, New York
December 17, 2010

s/ William F. Horn

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